

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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| BOROS PLUMBING, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| PLUMBING CONTRACTOR'S ASSOCIATION |) | |
| OF CHICAGO AND COOK COUNTY, et al., |) | No. 09 C 5238 |
| Defendants. |) | |
| |) | Judge Charles P. Kocoras |
| <hr/> |) | |
| PLUMBERS' PENSION FUND, LOCAL 130, U.A., et al, |) | |
| Counterplaintiffs, |) | Magistrate Judge |
| |) | Geraldine Soat Brown |
| v. |) | |
| |) | |
| BORO'S PLUMBING, INC., |) | |
| Counterdefendant. |) | |

FUNDS' MOTION FOR JUDGMENT

Counterplaintiffs, Plumbers' Pension Fund, Local 130, U.A.; Plumbers' Welfare Fund, Local 130, U.A.; Trust Fund for Apprentice and Journeymen Education and Training, Local 130, U.A.; Chicago Journeymen Plumbers' Local Union 130, U.A., Group Legal Services Plan Fund; and The Plumbing Council of Chicagoland (collectively, "Funds"), by their attorneys, John W. Loseman, Douglas A. Lindsay, and Brian T. Bedinghaus, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, move the Court to enter judgment in favor of Funds and against Counter-defendant, Boro's Plumbing, Inc. ("BPI"). In support hereof, Funds state:

1. Funds are multi-employer employee benefit funds and a not-for-profit corporation..
2. BPI initiated this action to vacate a labor arbitration award that the Joint Arbitration Board issued in favor of Funds and against BPI under a collective bargaining agreement. Funds brought their counterclaim to enforce the arbitration award pursuant to LMRA, 29 U.S.C. §185, and ERISA, 29 U.S.C. §§1132 and 1145, and to recover the amount set forth in the Award plus interest, double interest, and attorneys' fees and costs. *Funds' Answer, Affirmative Defenses,*

and Counterclaim, Docket No. 10.

3. As the Court previously dismissed BPI's complaint, Funds' counterclaim is the only pending claim. *Order dated Mar. 9, 2010, Docket No. 16; Order dated Apr. 22, 2010, Docket No. 19.*

4. By order dated May 13, 2010, the Court held BPI in default. *Order dated May 13, 2010, Docket No. 20.* For the Court's convenience, a true and correct copy of this order is attached as Exhibit One.

5. BPI owes the following:

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| JAB Decision and Award attached as Exhibit Two to Counterclaim, per Collective Bargaining Agreement, ERISA, 29 U.S.C. §1132(g)(2)(A), and LMRA, 29 U.S.C. §185. For Court's convenience, a copy of Award is attached hereto as Exhibit Two. | \$499,260.43 |
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| Additional interest for period 6/29/09 through 5/14/10 at \$4,773.21/mo. x 11 mos. per Decision and Award, 29 U.S.C. §1132(g)(2)(B), and 29 U.S.C. §185 | 52,505.31 |
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| ERISA double interest through 5/14/10 including accrued (\$155,589.43 as recited in Award) and additional (\$52,505.31 as set forth herein) interest per 29 U.S.C. §1132(g)(2)(C) | 208,094.74 |
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| Attorneys' fees and costs as set forth in Affidavit of John W. Loseman attached as Exhibit Three per Decision and Award, 29 U.S.C. §1132(g)(2)(D), and 29 U.S.C. §185 | <u>25,316.08</u> |
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|--------|--------------|
| Total: | \$785,176.56 |
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WHEREFORE, Counterplaintiffs, Plumbers' Pension Fund, Local 130, U.A.; Plumbers' Welfare Fund, Local 130, U.A.; Trust Fund for Apprentice and Journeymen Education and Training, Local 130, U.A.; Chicago Journeymen Plumbers' Local Union 130, U.A., Group

Legal Services Plan Fund; and The Plumbing Council of Chicagoland, request that the Court enter judgment in favor of Counterplaintiffs and against Counterdefendant, Boro's Plumbing, Inc., in the amount of \$785,176.56, and award in favor of Counterplaintiffs and against Counterdefendant such other and further relief as the Court deems appropriate.

Plumbers' Pension Fund, Local 130, U.A.,
et al., by their attorneys, John W. Loseman,
Douglas A. Lindsay, and Brian T.
Bedinghaus

Of Counsel:
LEWIS, OVERBECK & FURMAN, LLP
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By: /s/ John W. Loseman
John W. Loseman
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Chicago, IL 60602-5093
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CERTIFICATE OF SERVICE

John W. Loseman, an attorney, certifies that service of the foregoing Funds' Motion for Judgment was effected on the following person(s):

Timothy M. Biasiello, Esq.
Law Office of Timothy M. Biasiello
617 W. Devon Avenue
Park Ridge, IL 60068
(timbslo@yahoo.com)

through the CM/ECF system of the U.S. District Court for the Northern District of Illinois as a result of electronic filing made this 14th day of May, 2010.

/s/ John W. Loseman